

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

STH

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
DE	BPH -910213ME N/M	NEW 103.5MHZ	JEFFERY SCOTT BETHANY BEACH DE	CP FOR NEW FM ON: FREQUENCY: 103.5 MHZ; ERP: 0.830 KW H&V; HAAT: 103 METERS H&V 38 31 45 75 04 50

LICENSE EXPIRATION DATE _____

CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT() CONSTRUCTION DATES, START _____ END _____
 CONTESTED () UNCONTESTED ()

APPROVED _____

FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

Approved by OMB
3060-0440
Expires 12/31/90

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

ORIGINAL

FOR
FCC
USE
ONLY

FCC/MELLON FEB 13 1991

02-14-91 8195514 005

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Scott, Jeffery

MAILING ADDRESS (Line 1) (Maximum 85 characters - refer to Instruction (2) on reverse of form)

c/o Leventhal, Senter & Lerman

MAILING ADDRESS (Line 2) (If required) (Maximum 85 characters)

2000 K Street, N.W., Suite 600

CITY

Washington

STATE OR COUNTRY (If foreign address)

DC

ZIP CODE

20006

CALL SIGN OR OTHER FCC IDENTIFIER (If applicable)

Channel 278A at Bethany Beach,
Delaware

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(If required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

M T R

\$ 2030.00

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(If required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

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\$	
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(3)

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(4)

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\$	
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(5)

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\$	
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 2030.00

FOR FCC USE ONLY

2030.00

INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) "Applicant Name" - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) "Mailing Address (Line 1)" - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) "Mailing Address (Line 2)" - This line may be used for further identification of the address if additional space is required.
- (4) "City" - Enter the name of the city associated with the given street address.
- (5) "State or Country" - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) "ZIP Code" - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
- (7) "Call Sign or Other FCC Identifier" - Enter an applicable call sign or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) Column (A), "Fee Type Code" - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) Column (B), "Fee Multiple" - Certain applications and filings may request action with respect to more than one station, license, frequency, or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) Column (C), "Fee Due For Fee Type Code in Column (A)" - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).
- (11) "Total Amount Remitted With This Application or Filing" - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

HOW TO SUBMIT APPLICATIONS AND FILINGS

- o Each application or filing should be assembled with the Fee Processing Form stapled to the top of the application with the check placed on top of the Fee Processing Form. **DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM.** Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application or filing submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission.
- o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. Applications and filings which are properly addressed to the appropriate P.O. box number may also be hand delivered to the following address. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Rm. 153-2713
Pittsburgh, Pennsylvania 15250-0001
(Attention: Wholesale Lockbox Shift Supervisor)

- o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.
- o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

REMEMBER

- o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.
- o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.
- o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3080-0440), Washington, DC 20503.

ORIGINAL

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600

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February 13, 1991

OF COUNSEL
MICHAEL R. KLIPPER
TOBEY B. MARZOUK

* ADMITTED VA ONLY

BY R&S COURIERS, INC.

Federal Communications Commission
Mass Media Services
P.O. Box 358195
Pittsburgh, PA 15251-5195

Re: New FM Construction Permit Application
Bethany Beach, Delaware

Dear Sir or Madam:

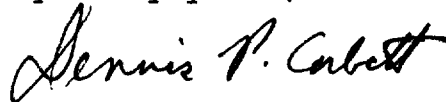
On behalf of Jeffery Scott, I am transmitting herewith an original and two copies of an Application for Construction Permit for Commercial Broadcast Station (FCC Form 301) for a new FM station on Channel 278A at Bethany Beach, Delaware.

Also enclosed is a check in the amount of \$2030.00 made payable to the Federal Communications Commission for the application filing fee, and a completed Fee Processing Form (FCC Form 155). A "Return Copy" of the filing is also enclosed; please date stamp it and return it to the courier delivering this package.

Please also note that this filing is "time critical" -- it is being made in response to a Commission filing window which closes today. Accordingly, a "Back Up Copy" is being submitted today with the FCC Secretary in Washington, D.C.

If you have any questions concerning this matter, please contact the undersigned.

Very truly yours,


Dennis P. Corbett

DPC/aju
Enclosures

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE	
	FEE AMT:	
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <u>BPH-910213ME</u>

Section I - GENERAL INFORMATION

1 Name of Applicant JEFFERY SCOTT			Send notices and communications to the following person at the address below: Name JEFFERY SCOTT*		
Street Address or P.O. Box 12 The Narrows			Street Address or P.O. Box 12 The Narrows		
City Fenwick Island	State DE	ZIP Code 19975	City Fenwick Island	State DE	ZIP Code 19975
Telephone No. (Include Area Code) (302) 537-0466			Telephone No. (Include Area Code) (302) 537-0466		

2 This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 278A 103.5	(b) Principal Community Bethany Beach	City Bethany Beach	State DE
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(c) Check one of the following boxes:

- ☒ Application for NEW station
- ☐ MAJOR change in licensed facilities; call sign: _____
- ☐ MINOR change in licensed facilities; call sign: _____
- ☐ MAJOR modification of construction permit; call sign: _____
- File No. of construction permit: _____
- ☐ MINOR modification of construction permit; call sign: _____
- File No. of construction permit: _____
- ☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

8 Is this application mutually exclusive? 103.5MHZ ☐ Yes ☒ No

BPH -910213ME NEW

If Yes, state:

Call letters	BETHANY BEACH	DE
	JEFFERY SCOTT	State

*cc: Dennis P. Corbett, Esq.
Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, D.C. 20006-1809

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Jeffery Scott

1. Applicant is (check one box below)

- ☒ Individual ☐ General partnership ☐ For-profit corporation
☐ Other ☐ Limited partnership ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.
N/A

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date N/A Place _____

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.
N/A

5. Complete, if applicable, the following certifications: N/A

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Section 11 - LEGAL QUALIFICATIONS (Page 2)

8. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

1	Jeffery Scott 12 The Narrows Fenwick Island, DE 19975		
2	United States		
3	N/A		
4	N/A		
5	N/A		
6	N/A		
7	See Exhibit No. 1		
8	NONE		

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
2

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☐ No
N/A

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
3

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
4

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☐ No

N/A

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No

N/A

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
N/A

Section II - LEGAL QUALIFICATIONS (Page 4)

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 810 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See instruction C to Section 11.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.
N/A

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.
N/A

SECTION III - FINANCIAL QUALIFICATIONS

NOTE If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$116,050.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Merrill Lynch Merrill Lynch Consumer Markets 1622 Tilton Road Northfield, New Jersey 08225 Contact Person: Gary Sinderbrand Vice President	(609) 484-7117	Financial Institution	\$150,000.00

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No. 5

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No. 6

- 1 List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
- 2 State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status

(b) Past Local Residence

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status

(d) Broadcast Experience

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

JEFFERY SCOTT

Call letters (if issued)

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: February 13, 1991

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
278	Bethany Beach	Sussex	DE

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. Approximately 2.3 km SW of Bethany Beach.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	°	'	"	Longitude	°	'	"
38		31	45	75		04	50

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

KUS359 and other land mobile and marine radio stations.

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

No change in overall tower height proposed.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
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5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Antenna mounted on existing tower.

FAA notice not required.

Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	West (Private)	6.4	298
(b)			

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; _____ 5 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ 112 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] _____ 117 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground _____ 100 meters (H)

_____ 100 meters (V)

(2) above mean sea level [(a)(1) + (b)(1)] _____ 105 meters (H)

_____ 105 meters (V)

(3) above average terrain _____ 103 meters (H)

_____ 103 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
V-B-3

9. Effective Radiated Power:

(a) ERP in the horizontal plane

_____ 0.830 kw (H) _____ 0.830 kw (V)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

_____ kw (H) _____ kw (V)

•Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 816 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 816 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.218 apply?

☒ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
V-B-1

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
V-B-1

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(a) and 73.318.)

Exhibit No.
V-B-5

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
V-B-2

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
V-B-4

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 318 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 451 sq. km. Population 22050

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
N/A

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 90-second database ☐ 7.5 minute topographic map

(Source: NGDC (30" File TPG-0050))

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 318 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
-			
0	104.5	10.1	18.2
45	104.5 **	10.1	18.2
90	104.5 **	10.1	18.2
135	104.5	10.1	18.2
180	103.9	10.0	18.0
225	100.0	9.8	17.7
270	100.3	9.8	17.7
315	103.6	10.0	18.0

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT. **Radial HAAT computed in accordance with Section 73.313(d)(2) of the Rules.

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.

Would a Commission grant of this application come within Section 11807 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 11811. Exhibit No.

If No, explain briefly why not. See Exhibit V-B-6.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) ROBERT A. BEDNAREK	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature <i>R. Bednarek</i>	Address (Include ZIP Code) Rubin, Bednarek & Associates, Inc. 1350 Connecticut Avenue, NW - Suite 610 Washington, DC 20036
Date 2/11/91	Telephone No. (Include Area Code) (202) 296-9380

Allocation Study - Request For Waiver Section 73.213(c)(1)

Channel 278A is assigned by the Federal Communications Commission to Bethany Beach, Delaware, and is not presently utilized by any broadcast station. Applicant herein proposes to construct a new Class A transmission facility to serve Bethany Beach and the surrounding areas on Channel 278A, with a maximum effective radiated power of 0.830 kW and an antenna height above average terrain of 103 meters. The proposed facilities are not in excess of those permitted for Class A stations under the previous Rules. Because the allotment of Channel 278A at Bethany Beach, Delaware was made as a result of a Petition for Rule Making filed prior to October 2, 1989, the transmitter site proposed in the instant application must be evaluated under the minimum separation distances of Section 73.213(c)(1) of the Rules.

Exhibit V-B-1(a) is an FM spacing study conducted at the proposed transmitter site for operation on Channel 278A using the minimum separation distances for grandfathered Class A stations in accordance with Section 73.213(c)(1) of the Rules. As shown by this spacing study, the proposed site is 0.79 kilometers short-spaced to station WOCQ(FM), Channel 280A, Berlin, Maryland, and a waiver of the minimum separations of Section 73.213(c)(1) is requested. The proposed transmitter site is also 0.51 kilometers short-spaced to station WESR-FM, channel 277B, Onley-Onancock, Virginia, and processing pursuant to the provisions of Section 73.215 of the Rules is herein requested. The proposed transmitter site satisfies the minimum separation requirements of Section 73.215(e) of the Rules with respect to WESR-FM. The proposed transmitter location complies with the minimum separations of Section 73.213(c)(1) with respect to all other authorized or proposed stations or unused allotments.

Applicant hereby requests a waiver of the minimum distance separations of Section 73.213(c)(1) with respect to the 0.79 kilometer short-spacing to station WOCQ(FM). It is respectfully submitted that a waiver of the rules is, in this case, justified for several reasons. The requested 0.79 kilometer short-spacing to station WOCQ(FM) is de-minimis, and the existing tower proposed to support the new antenna is the least short-spaced site available. While it has been determined that authorization at the proposed transmitter site under the provisions of Section 73.215 of the Rules governing operation at short-spaced transmitter locations is not permissible with regard to station WOCQ(FM), no interference would likely result from the de-minimis short-spacing, since Section 73.215 (b)(2)(ii) requires calculations based on the assumed operations of WOCQ(FM) with maximum facilities and the actual ERP of WOCQ(FM) is substantially below this value.

Use of the proposed site is necessitated in part by the extremely limited available area (even in consideration of Section 73.215) on this frequency. The area in which no waiver is required completely overlays a coastal resort region with limited land availability, no known suitable existing towers and potential environmentally sensitive areas. Use of an existing tower, even at a slightly short-spaced location, represents an environmentally sound alternative.

Applicant requests authorization under the provisions of Section 73.215 of the Rules with regard to the 0.51 kilometer short-spacing to station WESR-FM. In accordance with the provisions of Section 73.215(b)(2)(ii) of the Rules, the predicted distances to the protected and interference contours of station WESR-FM assume a nondirectional ERP of 50 kW and an antenna HAAT of 150 meters, the maximum facilities permitted under Section 73.211 for the station's class. Exhibit V-B-1(b) is an allocation map depicting the protected and interference contours of WESR-FM and the proposed Class A station at Bethany Beach. Exhibits V-B-1(c) and (d) are tabulations of the operating parameters and predicted distances to contours for WESR-FM and the proposed station respectively. As demonstrated by the attached allocation map, the operation on Channel 278A at the transmitter site and with the facilities proposed, is in accordance with the contour protection requirements of Section 73.215 for operation at the short-spaced antenna site.

FM Spacing study

Title: Bethany Beach, Delaware
 Channel 278A0 (103.5 MHz)
 Database: FCC 12/24/90

Latitude: 38-31-45
 Longitude: 75-04-50
 Safety zone: 10 km

Call	Auth Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC		224A		38-42-05	331.7	21.74	8
Rehoboth Beach	DE	92.7		75-11-58	151.6	13.74	CLOSE
Coordinates updated from LIC record		BLH6807					
NEW	APC Kent County Radio Limite	225A	3DA	39-11-30	330.6	84.62	8
Smyrna	DE BPH-860102NZ	92.9	96	75-33-46	150.3	76.62	CLEAR
AMENDED 880627; DOC-87-65; Cut-off 06/23/86; Initial Decision to Grant;							
ALLOC		275A		38-18-01	258.9	127.2	27
California	MD DOC-86-113	102.9		76-30-28	78.0	100.2	CLEAR
SITE RESTRICTED-EFFECTIVE 8-15-88; Filing window 08/16-09/15/88 **CLOSED**							
WBEY	LIC Anna-Del Broadcasting Co	276A	3	38-58-04	296.2	112.2	27
Grasonville	MD BLH-881129KB	103.1	100	76-14-36	115.4	85.20	CLEAR
ALLOC		277B		37-43-02	210.5	104.5	105
Onley-Onancock	VA	103.3		75-41-01	30.1	-.51	SHORT
Coordinates updated from LIC record		BMLH624					
WESR-FM LIC	Eastern Shore Radio, Inc	277B	50	37-43-02	210.5	104.5	105
Onley-Onancock	VA BMLH-624	103.3	98	75-41-01	30.1	-.51	SHORT
ALLOC		278A		38-32-22	62.3	2.461	105
Bethany Beach	DE DOC-89-498	103.5		75-03-20	242.3	-103	SHORT
Effective 11-01-91; Filing window 01/14-02/13/91							
WMGM	LIC South Jersey Radio, Inc.	279B	50DA	39-23-38	27.0	108.0	105
Atlantic City	NJ BLH-850322KK	103.7	106	74-30-34	207.4	3.006	CLOSE
ALLOC		279B		39-23-38	27.0	108.0	105
Atlantic City	NJ	103.7		74-30-34	207.4	3.006	CLOSE
Coordinates updated from LIC record		BLH850322KK					
WOCQ	LIC Musicradio of Maryland,	280A	3	38-22-58	231.6	26.21	27
Berlin	MD BLH-850423KS	103.9	100	75-18-58	51.5	-.79	SHORT
ALLOC		280A		38-22-58	231.6	26.21	27
Berlin	MD	103.9		75-18-58	51.5	-.79	SHORT
Coordinates updated from LIC record		BLH850423KS					
WOCQ	APC Musicradio of Maryland,	280A	6	38-22-58	231.6	26.21	27
Berlin	MD BPH-900111IB	103.9	100	75-18-58	51.5	-.79	SHORT
WXTR-FM CP	Radio Ventures I, L.P.	281B	22	38-37-07	274.3	154.1	69
Waldorf	MD BPH-890721IC	104.1	233	76-50-42	93.2	85.08	CLEAR

>> End of channel 278A0 study <<

FOR FLIGHTS AT AND BELOW
4100 MSL SEE WASHINGTON
VEF SECTIONAL CHART

W-107 A

WARNING
W-107 E

e Harbor

PROPOSED 60 dBu F(50.50)
DETECTED CONTOUR

Warning, National Defense Operating Area
Operations hazardous to the flight of aircraft
conducted within this area

Large Navigation Buoy
Gp Fl

PROPOSED
TRANSMITTER
SITE

WARNING
W-108 B

PROPOSED 48 dBu F(50.10)
INTERFERENCE CONTOUR

CONTROL AREA BARNEGAT NJ

W-107 F

CONTROL AREA
BARNEGAT NJ

NG
A

WARNING
W-386 B

SR(FM) 54 dBu F(50.10)
INTERFERENCE CONTOUR

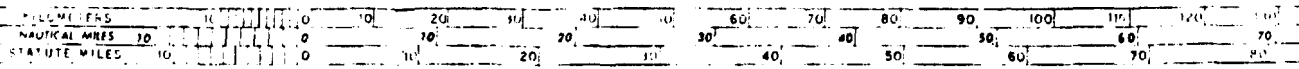
W-386 E

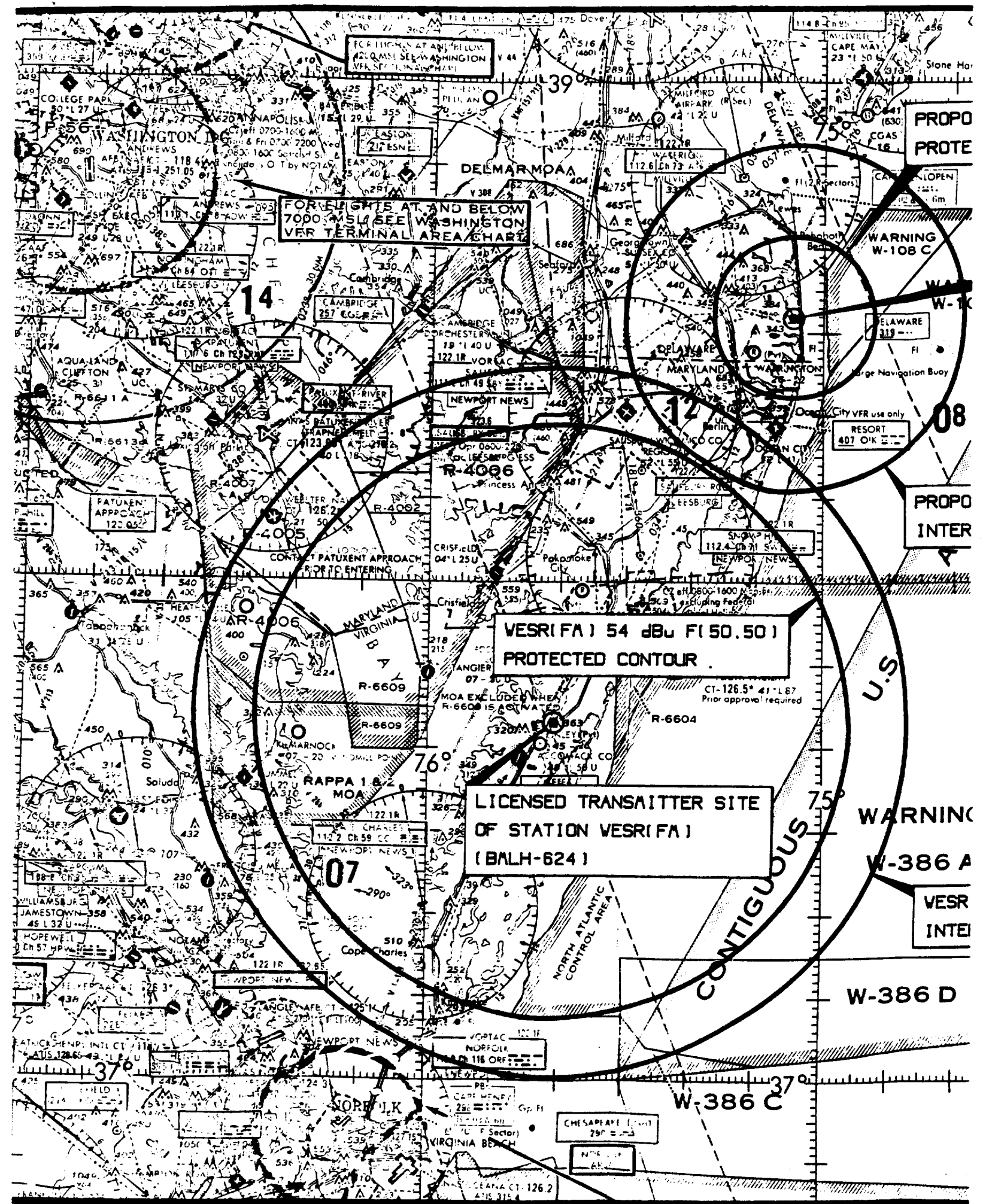
CG-21
WORLD AERONAUTICAL CHART
SCALE 1:1,000,000

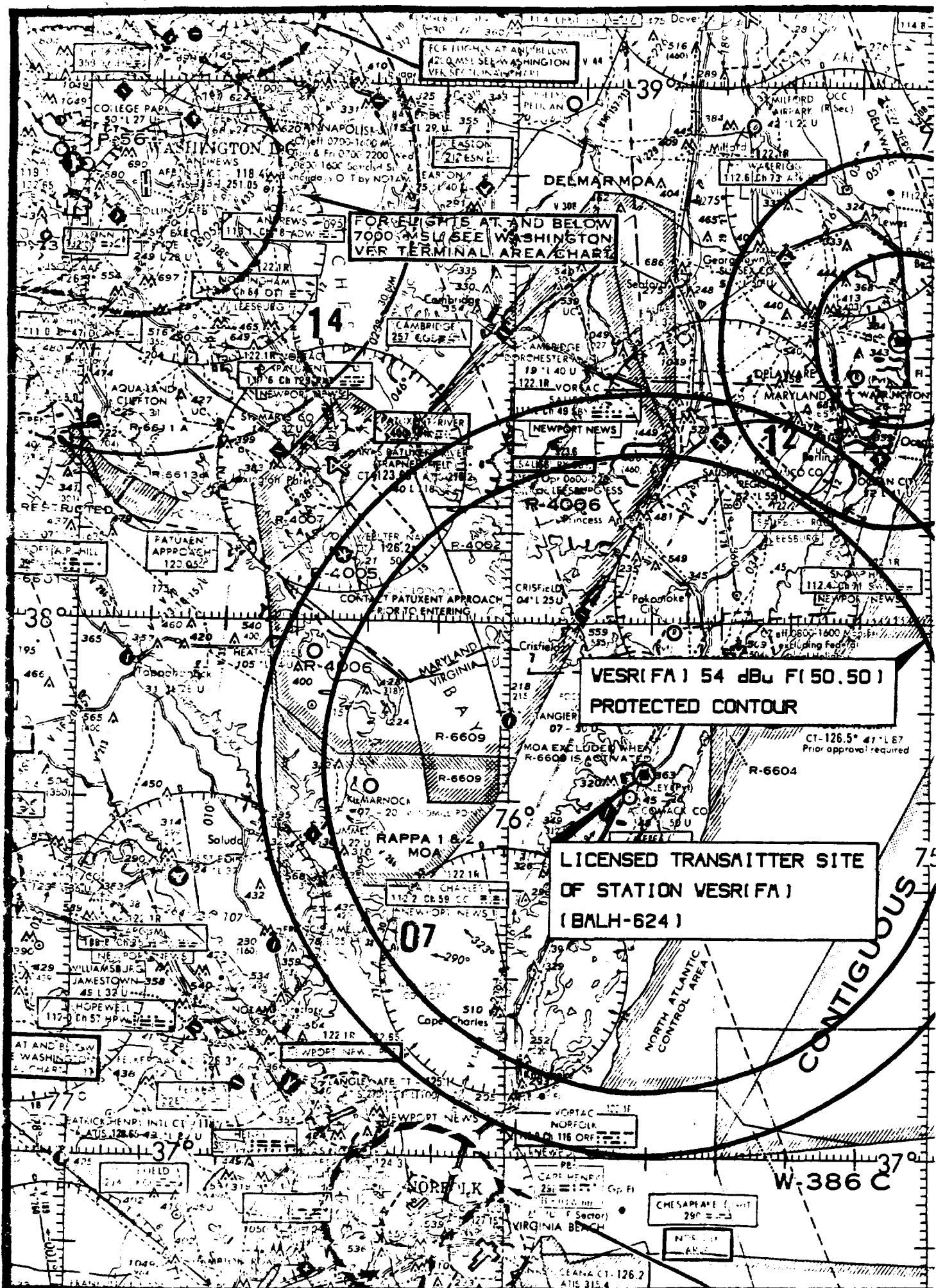
EXHIBIT V-B-1 (B) : ALLOCATION MAP

RUBIN. BEDNAREK & ASSOCIATES. INC.
CONSULTING TELECOMMUNICATIONS ENGINEERS
WASHINGTON. D.C.

Warning, National Defense Operating Area
Operations hazardous to the flight of aircraft







FOR FLIGHTS AT AND BELOW
7000 MSL SEE WASHINGTON
VER TERMINAL AREA CHART

FOR FLIGHTS AT AND BELOW
7000 MSL SEE WASHINGTON
VER TERMINAL AREA CHART

VESR(FM) 54 dBu F(50.50)
PROTECTED CONTOUR

LICENSED TRANSMITTER SITE
OF STATION VESR(FM)
(BALH-624)

CONTIGUOUS

W-386 C

Tabulation of Predicted Distances to Protected
and Interference Contours of Station WESR-FM

Station : WESR-FM
 Location : Onley-Onancock, Virginia
 Channel : 277B
 File Number : BMLH-624
 Status : LIC
 Site Coordinates : 37 43' 02" N 75 41' 01" W
 Maximum Effective Radiated Power : Licensed 50.0 kW Assumed 50.0 kW
 Antenna Radiation Center Height : 159 meters AMSL
 150 meters HAAT
 Antenna Type : Nondirectional

Bearing Degrees	HAAT Meters	ERP kW	Predicted Distances to	
			54 dBu F(50,50) Contour km	54 dBu F(50,10) Contour km
0.0	157.9	50.0	66.1	79.2
45.0	151.2	50.0	65.2	78.2
90.0	157.9	50.0	66.1	79.2
135.0	158.5	50.0	66.1	79.3
180.0	158.2	50.0	66.1	79.3
225.0	149.4	50.0	65.0	78.1
270.0	158.2	50.0	66.1	79.3
315.0	158.5	50.0	66.1	79.3

Notes :

- 1) Maximum ERP of 50.0 kW and 150m HAAT assumed per Section 73.215(b)(2)(ii).
- 2) Terrain data source : NGDC 30" point topography elevation data base (TPG-0050).

Tabulation of Predicted Distances to Protected
and Interference Contours of Proposed Station

Station : NEW

Location : Bethany Beach, Delaware

Channel : 278A

Status : APC

Site Coordinates : 38 31' 45" N 75 04' 50" W

Maximum Effective
Radiated Power : 0.830 kW

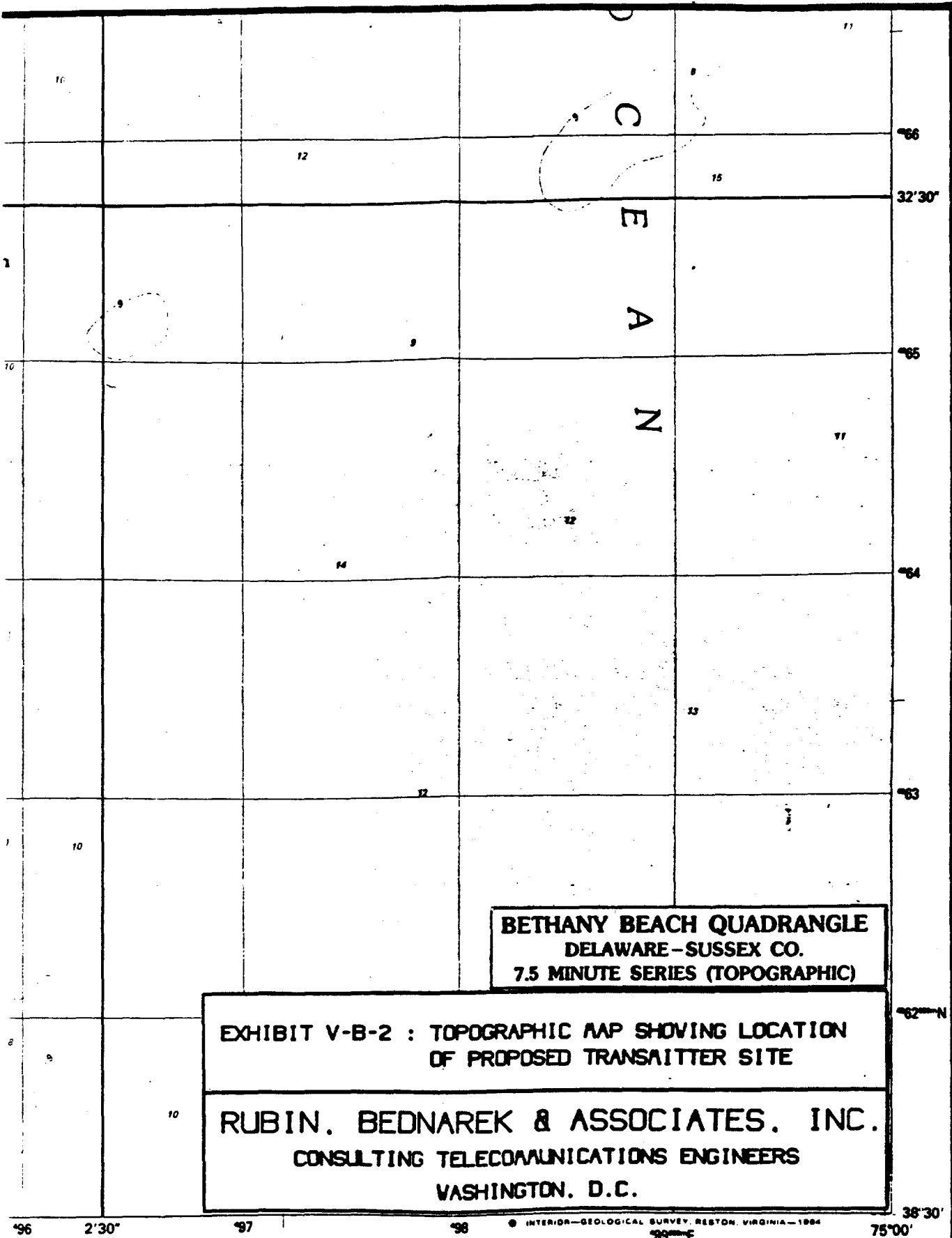
Antenna Radiation
Center Height : 105 meters AMSL
103 meters HAAT

Antenna Type : Nondirectional

Bearing Degrees	HAAT Meters	ERP kW	Predicted Distances to	
			60 dBu F(50,50) Contour km	48 dBu F(50,10) Contour km
0.0	104.5	0.830	18.2	38.5
45.0	104.5 *	0.830	18.2	38.5
90.0	104.5 *	0.830	18.2	38.5
135.0	104.5	0.830	18.2	38.5
180.0	103.9	0.830	18.0	38.3
225.0	100.0	0.830	17.7	37.5
270.0	100.3	0.830	17.7	37.7
315.0	103.6	0.830	18.0	38.3

Notes :

- 1) Terrain data source : NGDC 30" point topography elevation data base (TPG-0050).
- 2) * - Radial HAAT computed in accordance with section 73.313 (d)(2) of the Rules.



BETHANY BEACH QUADRANGLE
DELAWARE-SUSSEX CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

EXHIBIT V-B-2 : TOPOGRAPHIC MAP SHOWING LOCATION
OF PROPOSED TRANSMITTER SITE

RUBIN. BEDNAREK & ASSOCIATES. INC.
CONSULTING TELECOMMUNICATIONS ENGINEERS
WASHINGTON. D.C.

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1984

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route State Route

2
2000
1
10 10 000